

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CAPPSEALS, INC.,

Plaintiff,

v.

DIRECT MARKETING CONCEPTS, INC.,
ITV DIRECT, INC., DIRECT FULFILLMENT,
LLC, DONALD BARRETT and ROBERT
MAIHOS,

Defendants.

CIVIL ACTION NO. 05-CV-11907-JLT

**ASSENTED-TO MOTION TO EXTEND TIME FOR
DEFENDANTS TO RESPOND TO PLAINTIFF CAPPSEALS INC.'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendants Direct Marketing Concepts, Inc., ITV Direct, Inc., Direct Fulfillment, LLC, Donald Barrett and Robert Maihos ("DMC Defendants") hereby move this Court for a seven (7) day extension of time to respond to the Plaintiff Cappseals, Inc.'s ("Cappseals") Motion for Partial Summary Judgment in the above-captioned action. As grounds for this motion, ITV states as follows:

1. On November 10, 2005, Cappseals filed its Motion for Partial Summary Judgment.
2. Responding to the legal and factual issues raised in the Motion for Partial Summary Judgment will require investigation and preparation of several documents, including affidavits, a counterstatement of facts and a memorandum of law.
3. The response to the Motion for Partial Summary Judgment is currently due on Friday, November 25, 2005.
4. Counsel for DMC Defendants has conferred with Cappseals' counsel, Scott Silverman, and Attorney Silverman has consented to the proposed extension of time.

5. Defendants have not requested any prior extensions.

WHEREFORE, DMC Defendants respectfully request that this Court allow their motion to extend the time in which to file their response to Cappseals' Motion for Partial Summary Judgment, up to and including Friday, December 2, 2005.

Respectfully submitted,

DIRECT MARKETING CONCEPTS, INC., ITV
DIRECT, INC., DIRECT FULFILLMENT, LLC,
DONALD BARRETT AND ROBERT MAIHOS

By their attorney(s),

/s/ Susan W. Gelwick

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